

Plaintiffs' Exhibit 97

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

| | | |
|---|---|-----------------------|
| UNITED STATES OF AMERICA, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | 1:23-cv-108 (LMB/JFA) |
| |) | |
| GOOGLE LLC, |) | |
| |) | |
| Defendant. |) | |

EXPERT REBUTTAL REPORT OF ADORIA LIM



ADORIA LIM

February 13, 2024

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B. MY DAMAGES ANALYSIS INCLUDES MULTIPLE FAA PURCHASE PATHWAYS

44. The FAAs purchased display ads from Google using various ad agencies.²⁶ Some of those ad agencies engaged other ad agencies, such as related entities (parent, subsidiary, or sister companies) or subcontractors, to execute the FAAs' ad purchases. I refer to the first group, with whom the FAAs contracted, as "prime ad agencies," and the second group as "sub ad agencies."

45. I identified FAAs in the RFP60 Data and TTD Data and then identified specific combinations of FAAs and ad agencies. The RFP60 Data include variables called *advertiser_parent_name*, *advertiser_company_name*, and *advertiser_division_name* for Google Ads and additional variables called *DV360_advertiser_name* and *DV360_partner_name* for DV360.²⁷ TTD Data include a variable called *AdvertiserName*. I refer to these variables collectively as "Advertiser Identifier Variables." I then used the Advertiser Identifier Variables to identify the FAAs ("FAA IDs").²⁸

46. The RFP60 Data also include variables called *third_party_parent_name*, *third_party_company_name*, *third_party_division_name*, and *third_party_type* for Google Ads and additional variables called *DV360_partner_name* and *DV360_advertiser_name* for DV360.²⁹ TTD Data include a variable called *PartnerName*. I refer to these variables collectively as "Ad Agency Identifier Variables," and I used them to identify ad agencies that helped a particular FAA.

47. I refer to each unique combination of FAA, prime ad agency, and (as applicable) sub ad agency as an "FAA Purchase Pathway." For example, for DV360, USPS used Universal McCann as its prime ad agency, and Universal McCann used Matterkind (an affiliate owned by the same

²⁶ See, e.g., USAF-ADS-0000771835 (contract number FA300218D0008 between the Air Force and GSD&M); USAF-ADS-0000414286, at -286–322.

²⁷ Each Google "name" variable has a corresponding "id" variable. e.g., *advertiser_division_name* has a unique *advertiser_division_id* associated with it.

²⁸ The RFP60 Data includes many advertisers with FAA-sounding words in Advertiser Identifier Variables, such as "Old Navy" (which is part of The Gap, Inc., a clothing retail company). I limited my damages analysis to values in the Advertiser Identifier Variables which the United States instructed were associated with FAAs.

²⁹ Most of the time, *dv360_advertiser_name* contains advertiser identifying information and *dv360_partner_name* contains ad agency information, but this is not consistent. One of these fields sometimes contains what appears to be a short name of the particular ad campaign the ad agency was running on behalf of the FAA.

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parent entity, IPG) as a sub ad agency. The combination of “USPS | Universal McCann | Matterkind” is a unique FAA Purchase Pathway. The ad agencies listed in an FAA Purchase Pathway reflect the ad agencies involved, in one way or another, in assisting the FAA in purchasing advertising from Google.³⁰

48. **Figure 8, Figure 9, and Figure 10** below summarize the FAA Purchase Pathways for DV360, Google Ads, and TTD, respectively, which I include in my damages analysis. I assign each FAA Purchase Pathway a “Short Name” and a “Reference Name” for ease of reference. I base the Short Name on the values in the Advertiser Identifier Variables, the values in the Ad Agency Identifier Variables, information from Google invoices, and information from ad agency invoices or other invoice data.³¹

49. The gray cells in **Figure 8** indicate values where I omit additional information for purposes of pathway identification because the information for that variable in the RFP60 Data has duplicative information or information about a specific ad campaign. For example, I am able to identify Army.1 using DV360 Partner Name (“OMD-Army”), which tells me that the ad agency is OMD and that the client is Army; and Advertiser Division Name, which confirms that “Army” in DV360 Partner Name refers to the “US Army” and not some other advertiser with the word “Army” in its name. There are several DV360 Advertiser Names associated with this combination of DV360 Partner Name and Advertiser Division Name, including “A_A1B_OMD” and “A_A2B_OMD” (which appear to be campaign identifiers). These DV360 Advertiser Names do not provide any additional useful identifying information, so I exclude them from this figure to avoid confusion.

³⁰ My use of the word “Purchase” in the defined term FAA Purchase Pathway refers to the FAAs’ purchase of advertising through AdX and does not indicate any particular financial arrangement or sequence of financial arrangements among an FAA and ad agencies.

³¹ For FAA Purchase Pathways VA.1 and VA.2, the VA worked with both J. R. Reingold and DCG on different campaigns. Based on invoices, DCG used J.R. Reingold’s DV360 “seat” for purchases. *See* VET-AF-ADS-0000377196, at -206.

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Figure 8: FAA Purchase Pathways through DV360 Included in Damages Analysis³²

| FAA | Reference Name | Short Name | Advertiser Division Name | DV360 Advertiser Name | DV360 Partner Name |
|-----------|----------------|--|--------------------------------|-----------------------|----------------------------|
| Air Force | Air Force.1 | Air Force GSD&M DV360 | US Air Force | Air Force | GSD&M |
| Army | Army.1 | Army DDB OMD DV360 | US Army | | OMD-Army |
| Census | Census.1 | Census Y&R JR Reingold DV360 | Census | Reingold (RG) | |
| Census | Census.2 | Census Y&R TDW DV360 | Census | TDW+Co (TDW) | |
| Census | Census.3 | Census Y&R C1W DV360 | Census | Culture 1 World (C1W) | |
| CMS | CMS.1 | CMS Weber Shandwick DV360 | Healthcare Exchanges | CMS - HealthCare.Gov | IPG - Weber Shandwick |
| NHTSA | NHTSA.1 | NHTSA Stratacomm GMMB DV360 | NHTSA | | GMMB, Inc. |
| USPS | USPS.1 | USPS Universal McCann Matterkind DV360 | US Postal Service | | Matterkind US |
| VA | VA.1 | VA DCG JR Reingold DV360 | Department of Veterans Affairs | | J.R. Reingold & Associates |
| VA | VA.2 | VA JR Reingold DV360 | Department of Veterans Affairs | | J.R. Reingold & Associates |

Sources: DV360 XBridge Monthly Data and DV360 Monthly Data.

Figure 9: FAA Purchase Pathways through Google Ads Included in Damages Analysis

| FAA | Reference Name | Short Name | Advertiser Division Name | Third Party Parent Name | Third Party Division Name |
|-------|----------------|--|--------------------------|-------------------------|---------------------------|
| CMS | CMS.2 | CMS Weber Shandwick Google Ads | Healthcare Exchanges | Interpublic Group | Weber Shandwick |
| Navy | Navy.1 | Navy Y&R Wavemaker Google Ads | US Navy | WPP Group | Wavemaker |
| NHTSA | NHTSA.2 | NHTSA Stratacomm GMMB Google Ads | NHTSA | Omnicom Group | GMMB |

Source: XP Daily Monthly Data.

Figure 10: FAA Purchase Pathways through TTD Included in Damages Analysis

| FAA | Reference Name | Short Name | Advertiser Name | Partner Name |
|------|----------------|--|-----------------|------------------------------------|
| Navy | Navy.2 | Navy Group M TTD | NAVY | GroupM - MEC - Multiple - US - USD |
| USPS | USPS.2 | USPS Universal McCann (IPG) Matterkind TTD | USPS | Matterkind US |

Sources: TTD_DOJ-GOOG23-0012987 and TTD_DOJ-GOOG23-0033644.

50. In some instances, the RFP60 Data do not indicate the ad agencies that FAAs used for certain purchases (“Unknown Ad Agency Purchase Pathways”). Without knowing the ad agencies involved in those transactions, I cannot identify and review ad agency documents and information to confirm that the FAAs paid the amounts that Google charged for ad tech services. Therefore, I

³² Advertiser Division Name comes from DV360 XBridge Monthly Data whereas the columns DV360 Advertiser Name and DV360 Partner Name come from DV360 Monthly Data. The data from DV360 Monthly Data may have more specifics on campaign names.